THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 20180 OF 1994

Date: 31.08.2006

Between:

J. Venkata Subbaiah.

… Petitioner

and

The Vice Chariman & Managing Director, A.P. State Handloom Weavers Cooperative Society Ltd., 3-5-770, Weavers Bhavan, Narayanaguda, Hyderabad and another.

… Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 20180 OF 1994

ORDER:

The present writ petition is filed aggrieved by the order dated 07.04.1994 whereby the petitioner was promoted as a Senior Assistant with effect from 07.06.1980, without any financial benefits by way of arrears, and as a Superintendent with effect from 19.11.1987, without any financial benefits by way of arrears, and though the departmental promotional committee in 1980 had recommended that he be promoted as Senior Assistant in the vacancies which were in existence, he was not given promotion as Senior Assistant from 07.06.1980 along with others who were given promotions as Senior Assistants.

While Sri D. Linga Rao, learned Counsel for the petitioner would make submissions on merits to contend that, since the petitioner was not at fault, the management cannot take advantage of its own wrong and deny him arrears of financial benefits as Senior Assistant with effect from 07.06.1980 and as Superintendent with effect from 19.11.1987, Sri N. Rajeswa Rao, learned Standing Counsel for the respondents, would submit that the petitioner herein cannot claim the benefit of arrears of salary in the post of Senior Assistant with effect from 07.06.1980 and as a

Superintendent from 19.11.1987 since he did not work in these promoted posts prior to 07.04.1994 and did not discharge the duties either as a Senior Assistant or as a Superintendent prior to 07.04.1994. According to the learned Standing Counsel, the petitioner was not entitled for pay in the promotion posts, prior to 07.04.1994, on the principal of "No Work No Pay". Learned Standing Counsel would submit that the petitioner was given notional fitment in the promotion posts with effect from the dates mentioned in the order, the periodical increments and placed in the appropriate scale of pay with effect from 07.04.1994 and that he is being paid the higher scale of pay thereafter.

While these submissions of the learned Standing Counsel cannot be said to be without merit, Sri D. Lingarao, learned Counsel for the petitioner, would submit that, since the proposal submitted by the respondent management vide letter dated 04.09.1994 Is pending before the Commissioner of Handlooms and Director of Handlooms and Textiles, Hyderabad, the petitioner does not want an adjudication by this Court on his entitlement for arrears of pay as Senior Assistant with effect from 07.06.1980 and as Superintendent with effect from 19.11.1987 and that it would suffice if a direction was given to the 2nd respondent Commissioner of Handlooms to take decision on the proposal submitted by the 1st respondent on 04.09.1994. Taking note of this submission of the learned Counsel for the petitioner, the writ petition is disposed of directing the 2nd respondent, in case the proposal submitted by the 1st respondent dated 04.09.1994 is still pending, to dispose of the said proposals, in accordance with law, within a period of two months from the date of receipt of a copy of

the order.

The writ petition is disposed of accordingly. No order as to costs.

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Date: 31.08.2006 RAMESH RANGANATHAN, J